

1 A bill to be entitled
2 An act relating to death benefits for survivors of
3 first responders and military members; amending ss.
4 112.19 and 112.191, F.S.; providing certain death
5 benefits to law enforcement, correctional and
6 correctional probation officers, and firefighters;
7 creating s. 112.1911, F.S.; providing a death benefit
8 to emergency medical technicians and paramedics who
9 are killed while in the performance of official
10 duties; creating s. 112.1912, F.S.; providing a death
11 benefit for certain educational expenses for the
12 surviving spouse and children of certain first
13 responders; authorizing a specified number of hours to
14 be waived by certain education institutions; providing
15 requirements; amending s. 250.34, F.S.; providing that
16 members of surviving spouses and children of the
17 Florida National Guard are entitled to the same
18 education benefits as other first responders; creating
19 s. 250.342, F.S.; providing a death benefit for
20 members of the Florida National Guard who die while on
21 active duty; providing a death benefit for members of
22 the United States Armed Forces who are killed;
23 amending s. 295.01, F.S.; limiting the surviving
24 spouse and children of veterans to one educational
25 benefit; providing a declaration of important state

PCB OTM 19-18

ORIGINAL

2019

26 interest; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Paragraphs (a), (b), (c), and (j) of subsection
31 (2) and subsection (3) of section 112.19, Florida Statutes, are
32 amended to read:

33 112.19 Law enforcement, correctional, and correctional
34 probation officers; death benefits.—

35 (2)(a) The sum of \$75,000 ~~\$50,000, as adjusted pursuant to~~
36 ~~paragraph (j),~~ shall be paid as provided in this section when a
37 law enforcement, correctional, or correctional probation
38 officer, while engaged in the performance of the officer's law
39 enforcement duties, is accidentally killed or receives
40 accidental bodily injury which results in the loss of the
41 officer's life, provided that such killing is not the result of
42 suicide and that such bodily injury is not intentionally self-
43 inflicted. ~~Notwithstanding any other provision of law, in no~~
44 ~~case shall the amount payable under this subsection be less than~~
45 ~~the actual amount stated therein.~~

46 (b) The sum of \$75,000 ~~\$50,000, as adjusted under~~
47 ~~paragraph (j),~~ shall be paid as provided in this section if a
48 law enforcement, correctional, or correctional probation officer
49 is accidentally killed as specified in paragraph (a) and the
50 accidental death occurs:

PCB OTM 19-18

ORIGINAL

2019

- 51 1. As a result of the officer's response to fresh pursuit;
52 2. As a result of the officer's response to what is
53 reasonably believed to be an emergency;
54 3. At the scene of a traffic accident to which the officer
55 has responded; or
56 4. While the officer is enforcing what is reasonably
57 believed to be a traffic law or ordinance.
58

59 This sum is in addition to any sum provided for in paragraph
60 (a). ~~Notwithstanding any other provision of law, in no case~~
61 ~~shall the amount payable under this subsection be less than the~~
62 ~~actual amount stated therein.~~

63 (c) If a law enforcement, correctional, or correctional
64 probation officer, while engaged in the performance of the
65 officer's law enforcement duties, is unlawfully and
66 intentionally killed or dies as a result of such unlawful and
67 intentional act, the sum of \$225,000 ~~\$150,000~~, as adjusted
68 ~~pursuant to paragraph (j)~~, shall be paid as provided in this
69 section. ~~Notwithstanding any other provision of law, in no case~~
70 ~~shall the amount payable under this subsection be less than the~~
71 ~~actual amount stated therein.~~

72 ~~(j) Any payments made pursuant to paragraph (a), paragraph~~
73 ~~(b), or paragraph (c) shall consist of the statutory amount~~
74 ~~adjusted to reflect price level changes since the effective date~~
75 ~~of this act. The Bureau of Crime Prevention and Training shall~~

PCB OTM 19-18

ORIGINAL

2019

~~by rule adjust the statutory amount based on the Consumer Price Index for All Urban Consumers published by the United States Department of Labor. Adjustment shall be made July 1 of each year using the most recent month for which data are available at the time of the adjustment.~~

(3) If a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (2)(b) on or after June 22, 1990, but before July 1, 2019, or unlawfully and intentionally killed as specified in paragraph (2)(c) on or after July 1, 1980, but before July 1, 2019, the state shall waive certain educational expenses that the child or spouse of the deceased officer incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or spouse may attend a state career center, a Florida College System institution, or a state university. The child or spouse may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis. The benefits provided to a child under this subsection shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.

PCB OTM 19-18

ORIGINAL

2019

101 (a) Upon failure of any child or spouse benefited by the
102 provisions of this subsection to comply with the ordinary and
103 minimum requirements of the institution attended, both as to
104 discipline and scholarship, the benefits shall be withdrawn as
105 to the child or spouse and no further moneys may be expended for
106 the child's or spouse's benefits so long as such failure or
107 delinquency continues.

108 (b) Only a student in good standing in his or her
109 respective institution may receive the benefits thereof.

110 (c) A child or spouse receiving benefits under this
111 subsection must be enrolled according to the customary rules and
112 requirements of the institution attended.

113 Section 2. Paragraphs (a), (b), (c), and (i) of subsection
114 (2) and subsection (3) of section 112.191, Florida Statutes, are
115 amended to read:

116 112.191 Firefighters; death benefits.—

117 (2) (a) The sum of \$75,000 ~~\$50,000, as adjusted pursuant to~~
118 ~~paragraph (i),~~ shall be paid as provided in this section when a
119 firefighter, while engaged in the performance of his or her
120 firefighter duties, is accidentally killed or receives
121 accidental bodily injury which subsequently results in the loss
122 of the firefighter's life, provided that such killing is not the
123 result of suicide and that such bodily injury is not
124 intentionally self-inflicted. ~~Notwithstanding any other~~
125 ~~provision of law, in no case shall the amount payable under this~~

PCB OTM 19-18

ORIGINAL

2019

~~subsection be less than the actual amount stated therein.~~

(b) The sum of \$75,000 ~~\$50,000~~, as adjusted pursuant to paragraph (i), shall be paid as provided in this section if a firefighter is accidentally killed as specified in paragraph (a) and the accidental death occurs as a result of the firefighter's response to what is reasonably believed to be an emergency involving the protection of life or property or the firefighter's participation in a training exercise. This sum is in addition to any sum provided in paragraph (a).

~~Notwithstanding any other provision of law, the amount payable under this subsection may not be less than the actual amount stated therein.~~

(c) If a firefighter, while engaged in the performance of his or her firefighter duties, is unlawfully and intentionally killed, is injured by an unlawful and intentional act of another person and dies as a result of such injury, dies as a result of a fire which has been determined to have been caused by an act of arson, or subsequently dies as a result of injuries sustained therefrom, the sum of \$225,000 ~~\$150,000~~, as adjusted pursuant to paragraph (i), shall be paid as provided in this section.

~~Notwithstanding any other provision of law, the amount payable under this subsection may not be less than the actual amount stated therein.~~

~~(i) Any payments made pursuant to paragraph (a), paragraph (b), or paragraph (c) shall consist of the statutory amount~~

PCB OTM 19-18

ORIGINAL

2019

~~adjusted to show price level changes in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor since July 1, 2002. The Division of State Fire Marshal, using the most recent month for which Consumer Price Index data is available, shall, on June 15 of each year, calculate and publish on the division's Internet website the amount resulting from the adjustments to the statutory amounts. The adjusted statutory amounts shall be effective on July 1 of each year.~~

(3) If a firefighter is accidentally killed as specified in paragraph (2) (b) on or after June 22, 1990, but before July 1, 2019, or unlawfully and intentionally killed as specified in paragraph (2) (c), on or after July 1, 1980, but before July 1, 2019, the state shall waive certain educational expenses that the child or spouse of the deceased firefighter incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or spouse may attend a state career center, a Florida College System institution, or a state university. The child or spouse may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis. The benefits provided to a child under this subsection shall continue until the child's 25th birthday. The benefits provided

PCB OTM 19-18

ORIGINAL

2019

176 to a spouse under this subsection must commence within 5 years
177 after the death occurs, and entitlement thereto shall continue
178 until the 10th anniversary of that death.

179 (a) Upon failure of any child or spouse benefited by the
180 provisions of this subsection to comply with the ordinary and
181 minimum requirements of the institution attended, both as to
182 discipline and scholarship, the benefits thereof shall be
183 withdrawn as to the child or spouse and no further moneys
184 expended for the child's or spouse's benefits so long as such
185 failure or delinquency continues.

186 (b) Only students in good standing in their respective
187 institutions shall receive the benefits thereof.

188 (c) A child or spouse receiving benefits under this
189 subsection must be enrolled according to the customary rules and
190 requirements of the institution attended.

191 Section 3. Section 112.1911, Florida Statutes, is created
192 to read:

193 112.1911 Paramedics and emergency medical technicians;
194 death benefits.—

195 (1) Whenever used in this section, the term:

196 (a) "Emergency medical technician" means a person who is
197 certified pursuant to s. 401.27 to perform basic life support
198 and is employed part-time or full-time by an employer.

199 (b) "Employer" means a state board, commission,
200 department, division, bureau, or agency, or a county,

201 municipality, or other political subdivision of the state.

202 (c) "Paramedic" means a person who is certified pursuant
203 to s. 401.27 to perform basic and advanced life support and is
204 employed part-time or full-time by an employer.

205 (2)(a) The sum of \$75,000 shall be paid as provided in
206 this section when a paramedic or emergency medical technician,
207 while engaged in the performance of his or her official duties,
208 is accidentally killed or receives accidental bodily injury
209 which results in the loss of the individual's life, provided
210 that such killing is not the result of suicide and that such
211 bodily injury is not intentionally self-inflicted.

212 (b) The sum of \$75,000 shall be paid as provided in this
213 section if a paramedic or emergency medical technician is
214 accidentally killed as specified in paragraph (a) and the
215 accidental death occurs as a result of the individual's response
216 to what is reasonably believed to be an emergency involving the
217 protection of life. This sum is in addition to any sum provided
218 in paragraph (a).

219 (c) If a paramedic or emergency medical technician, while
220 engaged in the performance of his or her official duties, is
221 unlawfully and intentionally killed or is injured by an unlawful
222 and intentional act of another person and dies as a result of
223 such injury, the sum of \$225,000 shall be paid as provided in
224 this section.

225 (d) Such payments, pursuant to the provisions of

226 paragraphs (a), (b), and (c), whether secured by insurance or
227 not, shall be made to the beneficiary designated by such
228 paramedic or emergency medical technician in writing, signed by
229 the paramedic or emergency medical technician and delivered to
230 the employer during the paramedic's or emergency medical
231 technician's lifetime. If no such designation is made, then it
232 shall be paid to the paramedic's or emergency medical
233 technician's surviving child or children and spouse in equal
234 portions, and if there is no surviving child or spouse, then to
235 the paramedic's or emergency medical technician's parent or
236 parents. If a beneficiary is not designated and there is no
237 surviving child, spouse, or parent, then it shall be paid to the
238 paramedic's or emergency medical technician's estate.

239 (e) Such payments, pursuant to the provisions of
240 paragraphs (a), (b), and (c), are in addition to any workers'
241 compensation or pension benefits and are exempt from the claims
242 and demands of creditors of such paramedic or emergency medical
243 technician.

244 (3) (a) The employer of such paramedic or emergency medical
245 technician is liable for the payment of the sums specified in
246 this section and is deemed self-insured, unless it procures and
247 maintains, or has already procured and maintained, insurance to
248 secure such payments. Any such insurance may cover only the
249 risks indicated in this section, in the amounts indicated in
250 this section, or it may cover those risks and additional risks

PCB OTM 19-18

ORIGINAL

2019

251 and may be in larger amounts. Any such insurance shall be placed
252 by such employer only after public bid of such insurance
253 coverage which coverage shall be awarded to the carrier making
254 the lowest best bid.

255 (b) Payment of benefits to beneficiaries of state
256 employees, or of the premiums to cover the risk, under the
257 provisions of this section shall be paid from existing funds
258 otherwise appropriated to the department employing the paramedic
259 or emergency medical technician.

260 Section 4. Section 112.1912, Florida Statutes, is created
261 to read:

262 112.1912 First responders; death benefits for educational
263 expenses.—

264 (1) Whenever used in this section, the term “first
265 responder” means:

266 (a) A law enforcement, correctional, or correctional
267 probation officer as defined in s. 112.19(1)(b) who is killed as
268 specified in s. 112.19(2)(a) or (c) on or after July 1, 2019;

269 (b) A firefighter as defined in s. 112.191(1)(b) who is
270 killed as specified in s. 112.191(2)(a) or (c) on or after July
271 1, 2019; or

272 (c) A paramedic or emergency medical technician, as
273 defined in s. 112.1911(1) who is killed as specified in s.
274 112.1911(2)(a) or (c) on or after July 1, 2019.

275 (2)(a) The state shall waive certain educational expenses

276 that the child or spouse of the deceased first responder incurs
277 while obtaining a career certificate, an undergraduate
278 education, or a postgraduate education. The amount waived by the
279 state shall be an amount equal to the cost of tuition and
280 matriculation and registration fees for a total of 120 credit
281 hours. The child or spouse may attend a state career center, a
282 Florida College System institution, or a state university. The
283 child or spouse may attend any or all of the institutions
284 specified in this subsection, on either a full-time or part-time
285 basis. The benefits provided to a child under this subsection
286 shall continue until the child's 25th birthday. The benefits
287 provided to a spouse under this subsection must commence within
288 5 years after the first responder's death occurs, and
289 entitlement thereto shall continue until the 10th anniversary of
290 that death.

291 (b) Upon failure of any child or spouse benefitted by the
292 provisions of this subsection to comply with the ordinary and
293 minimum requirements of the institution attended, both as to
294 discipline and scholarship, the benefits shall be withdrawn as
295 to the child or spouse and no further moneys may be expended for
296 the child's or spouse's benefits so long as such failure or
297 delinquency continues.

298 (c) Only a student in good standing in his or her
299 respective institution may receive the benefits thereof.

300 (d) A child or spouse receiving benefits under this

subsection must be enrolled according to the customary rules and requirements of the institution attended.

(e) The State Board of Education shall adopt rules and procedures, and the Board of Governors shall adopt regulations and procedures, as are appropriate and necessary to implement this subsection.

Section 5. Subsection (4) of section 250.34, Florida Statutes, is amended to read:

250.34 Injury or death on state active duty.—

(4) Each member of the Florida National Guard who is killed, or who dies as the result of injuries incurred, while on state active duty under competent orders qualifies for benefits as a law enforcement officer pursuant to s. 112.19 and s. 112.1912 or any successor statute providing for death benefits for law enforcement officers, and the decedent's survivors or estate are entitled to the death benefits provided in s. 112.19 and s. 112.1912. However, this section does not prohibit survivors or the estate of the decedent from presenting a claim bill for approval by the Legislature in addition to the death benefits provided in this section.

Section 6. Section 250.342, Florida Statutes, is created to read:

250.342 Death on active duty; benefits.—

(1) (a) The sum of \$75,000 shall be paid as provided in this section when a member of the Florida National Guard, while

326 on active duty under competent orders and engaged in the
327 performance of the member's official duties, is killed or
328 receives bodily injury which results in the loss of the member's
329 life, provided that such killing is not the result of suicide
330 and that such bodily injury is not intentionally self-inflicted.

331 (b) The sum of \$75,000 shall be paid as provided in this
332 section when a member of the United States Armed Forces, while
333 on active duty under competent orders, is killed or receives
334 bodily injury which results in the loss of the member's life,
335 provided that such killing is not the result of suicide and that
336 such bodily injury is not intentionally self-inflicted. Such
337 member of the United States Armed Forces must have been a
338 resident of this state or his or her duty post must have been
339 within this state at the time of death.

340 (c) Such payments, pursuant to the provisions of paragraph
341 (a) and (b), whether secured by insurance or not, shall be made
342 to the beneficiary designated by such member in writing, signed
343 by the member and delivered to the employer during the member's
344 lifetime. If no such designation is made, then it shall be paid
345 to the member's surviving child or children and spouse in equal
346 portions, and if there is no surviving child or spouse, then to
347 the member's parent or parents. If a beneficiary is not
348 designated and there is no surviving child, spouse, or parent,
349 then it shall be paid to the member's estate.

350 (d) Such payments, pursuant to the provisions of paragraph

351 (a) and (b), are in addition to any workers' compensation or
352 pension benefits and are exempt from the claims and demands of
353 creditors of such member.

354 (2) (a) The state shall waive certain educational expenses
355 that the child or spouse of a deceased member specified in
356 subsection (1) incurs while obtaining a career certificate, an
357 undergraduate education, or a postgraduate education. The amount
358 waived by the state shall be an amount equal to the cost of
359 tuition and matriculation and registration fees for a total of
360 120 credit hours. The child or spouse may attend a state career
361 center, a Florida College System institution, or a state
362 university. The child or spouse may attend any or all of the
363 institutions specified in this subsection, on either a full-time
364 or part-time basis. The benefits provided to a child under this
365 subsection shall continue until the child's 25th birthday. The
366 benefits provided to a spouse under this subsection must
367 commence within 5 years after the death occurs, and entitlement
368 thereto shall continue until the 10th anniversary of that death.

369 (b) Upon failure of any child or spouse benefited by the
370 provisions of this subsection to comply with the ordinary and
371 minimum requirements of the institution attended, both as to
372 discipline and scholarship, the benefits shall be withdrawn as
373 to the child or spouse and no further moneys may be expended for
374 the child's or spouse's benefits so long as such failure or
375 delinquency continues.

376 (c) Only a student in good standing in his or her
377 respective institution may receive the benefits thereof.

378 (d) A child or spouse receiving benefits under this
379 subsection must be enrolled according to the customary rules and
380 requirements of the institution attended.

381 (e) The State Board of Education shall adopt rules and
382 procedures, and the Board of Governors shall adopt regulations
383 and procedures, as are appropriate and necessary to implement
384 this subsection.

385 (f) A child or spouse of a member may receive benefits
386 under either this subsection or s. 295.01.

387 (3) (a) The Florida National Guard is liable for the
388 payment of the sums specified in subsection (1) (a) and is deemed
389 self-insured, unless it procures and maintains, or has already
390 procured and maintained, insurance to secure such payments. Any
391 such insurance shall be placed by such employer only after
392 public bid of such insurance coverage which coverage shall be
393 awarded to the carrier making the lowest best bid.

394 (b) Benefits provided under subsection (1) (b) shall be
395 paid for from the General Revenue Fund. Beginning in the 2019-
396 2020 fiscal year and continuing each fiscal year thereafter, a
397 sum sufficient to pay the benefits provided under subsection
398 (1) (b) is appropriated from the General Revenue Fund to the
399 Department of Financial Services, and further appropriated for
400 expenditure for this purpose.

PCB OTM 19-18

ORIGINAL

2019

401 Section 7. Subsection (5) is added to section 295.01,
402 Florida Statutes, to read:

403 295.01 Children of deceased or disabled veterans; spouses
404 of deceased or disabled servicemembers; education.—

405 (5) A child or spouse of a servicemember may receive
406 benefits under either this section or s. 250.342.

407 Section 8. The Legislature determines and declares that
408 this act fulfills an important state interest relating to
409 implementation of s. 31, Art. X of the State Constitution to
410 provide death benefits to eligible firefighters, paramedics,
411 emergency medical technicians, law enforcement officers,
412 correctional officers, correctional probation officers, Florida
413 National Guard members, and United States Armed Forces members.

414 Section 9. This act shall take effect July 1, 2019.